IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36836 of 2008
SHEIKH AZAD … … Petitioner
Versus
THE STATE OF BIHAR … … Opp. Party
For the petitioner: Shri Aamrendra Nath Verma
For the State: Shri Dashrath Mehta, APP

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3. 26.11.2008 Heard.

As in the F.I.R. so in the statement of Imtiyaz Ahmad recorded under Section 164 of the Code of Criminal Procedure. The allegations are generally made. Besides, there is a departure from the basic prosecution case of detonating explosive and killing thereby the deceased inasmuch as the said Imtiyaz Ahmad specified specific manner of assault to the present petitioner. The contention is that it is a belated addition in the prosecution case.

Regard being had to the facts of the case and the contention, let the petitioner Sheikh Azad be released on his furnishing a bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah, in Matiyaria P.S.Case No. 37 of 2002.

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Kanth (Dharnidhar Jha, J.)